

JUDGE'S COPY

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD ACKERMAN  
Petitioner

vs.

JOHN McCULLOUGH  
Respondent

: CIVIL NO. 1-CV-01-1048  
:  
: (Judge Caldwell)  
:  
:  
:  
:

FILED  
HARRISBURG

OCT 16 2001

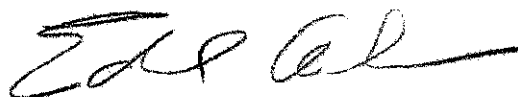
MARY E. D'ANDREA, CLERK  
Per 9/15  
DEPUTY CLERK

MOTION IN RESPONSE TO COMMONWEALTH'S MOTION TO DISMISS

TO THE HONORABLE JUDGES OF SAID COURT:

1. On October 10, 2001 Petitioner received the Commonwealth's Motion To Dismiss.
2. Petitioner placed his Habeas Corpus petition in the prison mailbox on May 29, 2001 (see attached inmate cash slips, Exhibit A) nine (9) days prior to the deadline.
3. The prison accounting department did not deduct the five (5) dollar filing fee until June 7, 2001, and the prison mailroom did not post the documents until June 9, 2001.
4. The Clerk of Court did not receive these documents until June 13, 2001.
5. Petitioner has no control over the actions of the prison staff in processing mail and should not be denied access due to the slow rate at which staff completes it's duties.

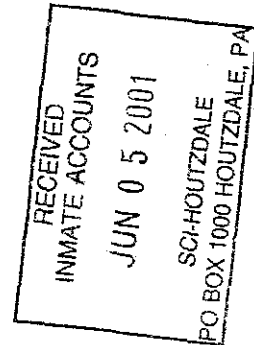
Respectfully submitted,



Edward Ackerman  
CW-5843  
P.O. Box 1000  
Houtzdale, PA 16698

OCT 11, 2001

<b>DC-138A</b>		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
<b>CASH SLIP</b>		<i>Ed A. Houtzdale</i>	
1. REQUISITIONING INMATE			
INSTITUTIONAL NUMBER <i>CW-5843</i>	LOCATION <i>JB-31</i>	DATE <i>5/29/01</i>	
2. RECEIVING INMATE			
INSTITUTIONAL NUMBER	LOCATION	DATE	
3. ITEMS TO BE CHARGED TO MY ACCOUNT			
<p><i>Please Debit \$500 to Pat A Houtzdale to:</i></p> <p><i>UNITED STATES DISTRICT COURT</i></p> <p><i>MIDDLE DISTRICT OF PA.</i></p>			
4. INMATE'S SIGNATURE <i>Ed A. Houtzdale</i>		5. OFFICIAL APPROVAL <i>Ed A. Houtzdale</i>	
6. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED \$ <i>5.00</i>	DATE <i>6/17/01</i>	BOOKKEEPER <i>[Signature]</i>	



<b>DC-138A</b>		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
<b>CASH SLIP</b>		<i>Ed A. Houtzdale</i>	
1. REQUISITIONING INMATE			
INSTITUTIONAL NUMBER <i>CW-5843</i>	LOCATION <i>JB-31</i>	DATE <i>5/29/01</i>	
2. RECEIVING INMATE			
INSTITUTIONAL NUMBER	LOCATION	DATE	
3. ITEMS TO BE CHARGED TO MY ACCOUNT			
<p><i>Please debit for Postage to:</i></p> <p><i>UNITED STATES DISTRICT COURT</i></p> <p><i>MIDDLE DISTRICT OF PA.</i></p>			
4. INMATE'S SIGNATURE <i>Ed A. Houtzdale</i>		5. OFFICIAL APPROVAL <i>Ed A. Houtzdale</i>	
6. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED \$	DATE	BOOKKEEPER	